

# Thomas-Jensen Affirmation

## Exhibit # 24

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as  
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

**DECLARATION OF JEFFERY TEGEN**

I, Jeffery Tegen, declare as follows:

1. I am a resident of the State of Arizona. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed as the Assistant Director of the Division of Business and Finance at the Arizona Health Care Cost Containment System ("AHCCCS") Administration, which is Arizona's Medicaid Agency.

3. My educational background includes a Bachelor of Science in Finance, a Master of Business Administration and a Master of Health Service Administration. I have been employed as the Assistant Director of AHCCCS's Division of Business and Finance since May 2015.

4. I have compiled the information in the statements set forth below through personal knowledge, through AHCCCS personnel who have assisted me in gathering this information from our agency, and on the basis of documents that have been provided to and/or reviewed by me.

5. AHCCCS is Arizona's Medicaid agency that offers health care programs to serve Arizona residents who meet certain income and other requirements. AHCCCS's mission is to help Arizonans live healthy lives by ensuring access to quality healthcare across all Arizona communities.

6. AHCCCS is the largest insurer in Arizona, covering more than 2,714,609 individuals in State Fiscal Year ("SFY") 2024. AHCCCS uses federal, state, county, and other funds to provide healthcare coverage to the State's Medicaid-eligible population.

7. As the Assistant Director of AHCCCS's Division of Business and Finance, I am familiar with the federal funding that AHCCCS receives and the ways in which those federal dollars impact the programs and services that AHCCCS provides to Arizonans.

#### **Medicaid**

8. In SFY2025, AHCCCS expects to receive \$17.6 billion in Medicaid funding pursuant to 42 U.S.C. § 1396-1 and 1396a for Title XIX services and Title 42, Ch. 7, Sub. XXI for Title XXI services. On average, AHCCCS draws \$54.4 million per day in federal financial participation (based on December 2024 actual).

9. AHCCCS staff accesses Medicaid funding via a federal portal called Payment Management System (PMS). This portal is the only way that AHCCCS can draw down Medicaid funding.

10. Without access to Medicaid funding, AHCCCS cannot provide services to the more than two million Arizonans who depend on AHCCCS-administered funding for healthcare coverage.

11. As of approximately 11:00 am MST on January 28, 2025, AHCCCS was unable to access any Medicaid funding via the federal portal.

12. AHCCCS's access to the PMS portal was not restored until approximately 1:00pm on January 28, 2025, at which time AHCCCS was able to complete its scheduled draws.

13. While the January 28, 2025 disruption in AHCCCS's ability to draw down Medicaid funding did not result in any immediate harm, the risk to Medicaid recipients in Arizona was substantial. Without daily access to federal Medicaid funding, AHCCCS cannot provide services to the over two million Arizonans who depend on this funding for healthcare coverage.

#### **Other Federal Assistance Programs**

14. In addition to Medicaid funding, AHCCCS receives approximately \$186 million in grants from "federal assistance programs" as defined in 2 C.F.R. § 200.1 that appear to be implicated by the January 27, 2025 Office of Management and Budget Memorandum (M-25-13) and subsequent actions of the Executive Branch. Those programs include:

- a. Mental Health Block Grants (approximately \$23.8 million in SFY2025) awarded pursuant to Section 1911 of Title XIX, Part B, Subpart I and Subpart III of the Public Health Service Act.
  - i. AHCCCS uses these funds to: (1) support a full-time staff of six who administer federal grant funding; and (2) pay Managed Care Organizations
  - ii. On January 31, 2025, AHCCCS drew approximately \$4.8 million in MHBG funding that as of 12:00pm on February 5, 2025 had not been received. PMS staff have responded that the delay is due to backlogs in the approval process caused by PMS outages on January 27 and 28, 2025 and funding should be released "asap." A true and accurate copy of email correspondence between AHCCCS staff and

Accounts Payable Specialist Shivani Pathak is attached hereto as **Exhibit A**.

iii. While the PMS delay has not yet caused actual harm to Arizonans, a substantial delay in funding (*i.e.*, a delay of more than 3 weeks) of federal grant obligations would negatively impact members because AHCCCS would run out of available funds to cover program costs. AHCCCS has seen an increase in non-Title XIX crisis utilization. Without this funding, phone lines, mobile teams, and crisis observation centers would be unable to provide service and members will not have the necessary supports to have successful outcomes from mental health crises.

b. Substance Abuse Block Grants (approximately \$47.8 million in SFY2025) awarded pursuant to Section 1921 of Title XIX Part B, Subpart II and Subpart III of the Public Health Service Act.

- i. AHCCCS uses these funds to: (1) support a full-time staff of nine who administer these grants; (2) fund outpatient treatment programs for methadone, suboxone, naltrexone, etc. who provide services to members.
- ii. On January 31, 2025, AHCCCS drew approximately \$2.8 million in funding that as of 12:00pm on February 5, 2025 has not been received. PMS staff have responded that the delay is due backlogs in the approval process caused by PMS outages on January 27 and 28, 2025 and funding should be released “asap.” *See* **Exh. A**.

- iii. While the PMS delay has not yet caused actual harm to Arizonans, a substantial delay in funding (*i.e.*, a delay of more than 3 weeks) of federal grant obligations would negatively impact members because AHCCCS would run out of available funds to cover program costs. Without this funding, members facing substance use disorders would not be able to access critical services

**Ongoing Risk of Harm**

15. AHCCCS's budget for SFY2025 relies, in part, on federal behavioral health block grant funds which remain pending as of the date of this Declaration, and we made plans and allocated funding for staffing and programming based on the anticipated receipt of Federal grant funding promised.

16. If the federal funding is again paused, blocked, denied or delayed suddenly, Arizona members could lose access to both AHCCCS-administered Medicaid healthcare coverage and the specific, often life-saving behavioral health care programs that AHCCCS provides.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2025, in Phoenix, Arizona.

Jeffery Tegen

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Jeffery Tegen, Assistant Director of the  
Division of Business & Finance  
Arizona Health Care Cost Containment  
System Administration

Signature: *Jeffery Tegen*

Email: jeffery.tegen@azahcccs.gov

# EXHIBIT A



Jeffery Tegen &lt;jeffery.tegen@azahcccs.gov&gt;

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**Fwd: AHCCCS - 1-31-25 Pending Payment Request**

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**Jennifer Dagna** <jennifer.dagna@azahcccs.gov>

To: "Tegen, Jeffery" &lt;jeffery.tegen@azahcccs.gov&gt;

Cc: Dhavaprabha Ramaswamy &lt;dhavaprabha.ramaswamy@azahcccs.gov&gt;

Hi Jeff,

This email is the one with our communication to PMS on 2/3/2025, 2/4/2025, and 2/5/2025 regarding the delayed \$7.6M.

**Jennifer Dagna**  
**Financial Reporting Administrator**  
**AHCCCS**801 E. Jefferson St  
Phoenix, AZ 85034602-417-4010  
[azahcccs.gov](mailto:azahcccs.gov)

----- Forwarded message -----

From: **Jennifer Dagna** <jennifer.dagna@azahcccs.gov>

Date: Wed, Feb 5, 2025 at 8:43 AM

Subject: Fwd: AHCCCS - 1-31-25 Pending Payment Request

To: Tegen, Jeffery &lt;jeffery.tegen@azahcccs.gov&gt;, Joshua Worley &lt;joshua.worley@azahcccs.gov&gt;

Cc: Tinsae Babo &lt;tinsae.babo@azahcccs.gov&gt;, Dhavaprabha Ramaswamy &lt;dhavaprabha.ramaswamy@azahcccs.gov&gt;

Hi Jeff,

Please see below for the PMS response. We tried to press if there was a more specific reason for the delay in this particular approval and still received essentially the same response that PM

**Jennifer Dagna**  
**Financial Reporting Administrator**  
**AHCCCS**801 E. Jefferson St  
Phoenix, AZ 85034602-417-4010  
[azahcccs.gov](mailto:azahcccs.gov)

----- Forwarded message -----

From: **Pathak, Shivani (OS/ASA/PSC/FMP)** <Shivani.Pathak@psc.hhs.gov>

Date: Wed, Feb 5, 2025 at 8:31 AM

Subject: RE: AHCCCS - 1-31-25 Pending Payment Request

To: Dhavaprabha Ramaswamy &lt;dhavaprabha.ramaswamy@azahcccs.gov&gt;

Cc: Jennifer Dagna &lt;jennifer.dagna@azahcccs.gov&gt;, Janet Silao &lt;janet.silao@azahcccs.gov&gt;

Hello,

As I have mentioned below, because of the days PMS was not working we had payments that were delayed, we are getting through them, they should be released asap.

Sincerely,

Shivani Pathak, Accounts Payable Specialist

ITegrity Inc.

On Assignment with:

Financial Management Portfolio

Program Support Center

U.S. Department of Health and Human Services

[5600 Fishers Lane](#)[Rockville, MD 20857](#)



P: (301) 443-1693

[psc.gov](https://psc.gov)

**From:** Dhavaprabha Ramaswamy <[dhavaprabha.ramaswamy@azahcccs.gov](mailto:dhavaprabha.ramaswamy@azahcccs.gov)>  
**Sent:** Wednesday, February 5, 2025 10:23 AM  
**To:** Pathak, Shivani (OS/ASA/PSC/FMP) <[Shivani.Pathak@psc.hhs.gov](mailto:Shivani.Pathak@psc.hhs.gov)>  
**Cc:** Jennifer Dagna <[jennifer.dagna@azahcccs.gov](mailto:jennifer.dagna@azahcccs.gov)>; Janet Silao <[janet.silao@azahcccs.gov](mailto:janet.silao@azahcccs.gov)>  
**Subject:** Fwd: AHCCCS - 1-31-25 Pending Payment Request

Shivani,

Could you please research why the 1-31-25 draw is still pending? The draws before and after that date have already been approved. I'd appreciate it if you could determine the exact reason f

Thank you,



**Dhavaprabha Ramaswamy**  
**Accounting Manager**  
**AHCCCS / DBF Reporting Unit**

801 E. Jefferson St  
Phoenix, AZ 85034

623-451-1510

[Dhavaprabha.Ramaswamy@azahcccs.gov](mailto:Dhavaprabha.Ramaswamy@azahcccs.gov)

----- Forwarded message -----

**From:** Janet Silao <[janet.silao@azahcccs.gov](mailto:janet.silao@azahcccs.gov)>  
**Date:** Wed, Feb 5, 2025 at 8:18 AM  
**Subject:** Fwd: Pending Payment Request  
**To:** Dhavaprabha Ramaswamy <[dhavaprabha.ramaswamy@azahcccs.gov](mailto:dhavaprabha.ramaswamy@azahcccs.gov)>

Thanks,



**Janet Silao**  
**Accountant III**  
**AHCCCS| Division of Business and Finance**

801 E Jefferson St  
Phoenix, AZ 85034

<https://azahcccs.gov/>

----- Forwarded message -----

**From:** Pathak, Shivani (OS/ASA/PSC/FMP) <[Shivani.Pathak@psc.hhs.gov](mailto:Shivani.Pathak@psc.hhs.gov)>  
**Date:** Wed, Feb 5, 2025 at 8:02 AM  
**Subject:** RE: Pending Payment Request  
**To:** Janet Silao <[janet.silao@azahcccs.gov](mailto:janet.silao@azahcccs.gov)>

Hello,

If it still says pending then it will released asap, since we had a lot of payments we were delayed.

Sincerely,

Shivani Pathak, Accounts Payable Specialist

ITegrity Inc.

On Assignment with:

Financial Management Portfolio

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U.S. Department of Health and Human Services

5600 Fishers Lane

Rockville, MD 20857

P: (301) 443-1693

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**From:** Janet Silao <[janet.silao@azahcccs.gov](mailto:janet.silao@azahcccs.gov)>  
**Sent:** Wednesday, February 5, 2025 9:58 AM  
**To:** Pathak, Shivani (OS/ASA/PSC/FMP) <[Shivani.Pathak@psc.hhs.gov](mailto:Shivani.Pathak@psc.hhs.gov)>  
**Cc:** Dhavaprabha Ramaswamy <[dhavaprabha.ramaswamy@azahcccs.gov](mailto:dhavaprabha.ramaswamy@azahcccs.gov)>; Jennifer Dagna <[jennifer.dagna@azahcccs.gov](mailto:jennifer.dagna@azahcccs.gov)>  
**Subject:** Re: Pending Payment Request

Good morning Shivani. This payment request is still pending. When I checked the View Details, I noticed that the Payment Due Date was changed to 2025-02-02. Can you please research th

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 **PSC** | Payment Management System

## PMS USER ACCOUNT NOTIFICATIONS

Expired     Will Expire within 5 days     Will Expire within 10 days

	Notification	Count
1	Number of Days until Recertification Required	134 days
2	Payee Accounts	3 accounts

⏮ ⏪ 1 ⏩ ⏭ Records per page 5 ▾ Display

## ⬆ MY PAYMENT REQUESTS (1)

	Transaction Number	Payee Account	Payment Type	Request Amount	Request Date
1	██████████	██████████	ACH Payment	\$ 7,621,385.44	2025-01-31 11:08:06 AM

⏮ ⏪ 1 ⏩ ⏭ Records per page 5 ▾ Display



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES



Payment Management System

## Payment Request - View Request

Tr

### PAYMENT WORKFLOW:

Payment Request

Approve Request

Confirm Request

Release Request

View Request

Documents

All Details

### PAYMENT DETAILS

Payee Account Number:

[REDACTED]

UEI:

[REDACTED]

Payment Type: ACH Payment

Payment Request Date: 2025-01-31


Payment Due Date: 2025-02-02



Payment Request Amount (\$): \$7,621,385.44



### SUBACCOUNTS

Subaccount Number	Bank Account Number	Subaccount Amount Requested (\$)
[REDACTED]	#####0985	
[REDACTED]	#####0985	
[REDACTED]	#####0985	
[REDACTED]	#####0985	
[REDACTED]	#####0985	
[REDACTED]	#####0985	
[REDACTED]	#####0985	

Close


U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES



**Payment Management System**

## Payment Request - View Request

Transaction

### PAYMENT WORKFLOW:

Payment Request

Approve Request

Confirm Request

Release Request

View Request

Documents

All Details

### STATUS HISTORY

Status	Status Change By	Status Change Date	Status Change Comments
Payment Transaction Submitted	janet.silao@azahcccs.gov	2025-01-31 09:08:06 AM	
Processed by PMS	linda.porter@psc.hhs.gov	2025-02-02 01:46:54 PM	Linda Porter: reviewed account payment is within payment histor

### NOTIFICATIONS

	Subject
No notifications.	

⏮ ⏪ ⏩ ⏭

Records per page 10

Displaying 1 to 0 of 0 items

Thanks,



Janet Silao

Accountant III

AHCCCS| Division of Business and Finance

801 E Jefferson St

Phoenix, AZ 85034

<https://azahcccs.gov/>

On Tue, Feb 4, 2025 at 10:26 AM Janet Silao <[janet.silao@azahcccs.gov](mailto:janet.silao@azahcccs.gov)> wrote:

Thank you Shivani for the quick response.

Have a good day.

Thanks,



Janet Silao

Accountant III

AHCCCS| Division of Business and Finance

801 E Jefferson St

Phoenix, AZ 85034

<https://azahcccs.gov/>

On Tue, Feb 4, 2025 at 10:24 AM Pathak, Shivani (OS/ASA/PSC/FMP) <[Shivani.Pathak@psc.hhs.gov](mailto:Shivani.Pathak@psc.hhs.gov)> wrote:

Hello

As we have been backed up the pending payment should get approved soon.

For help with id me you will have to contact their helpdesk- [XMSHelp@hhs.gov](mailto:XMSHelp@hhs.gov) .

Sincerely,

Shivani Pathak, Accounts Payable Specialist

ITegrity Inc.

On Assignment with:

Financial Management Portfolio

Program Support Center

U.S. Department of Health and Human Services

5600 Fishers Lane

Rockville, MD 20857

P: (301) 443-1693

[psc.gov](https://psc.gov)

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**From:** Janet Silao <[janet.silao@azahcccs.gov](mailto:janet.silao@azahcccs.gov)>

**Sent:** Tuesday, February 4, 2025 12:19 PM

**To:** Pathak, Shivani (OS/ASA/PSC/FMP) <[Shivani.Pathak@psc.hhs.gov](mailto:Shivani.Pathak@psc.hhs.gov)>

**Cc:** Dhavaprabha Ramaswamy <[dhavaprabha.ramaswamy@azahcccs.gov](mailto:dhavaprabha.ramaswamy@azahcccs.gov)>; Jennifer Dagna <[jennifer.dagna@azahcccs.gov](mailto:jennifer.dagna@azahcccs.gov)>

**Subject:** Re: Pending Payment Request

Good morning Shivani. Hoping that all is well with you. We got two concerns below and we hope you could provide some information to these:

- The pending payment request submitted on 1/31/2025 is still pending



## PMS USER ACCOUNT NOTIFICATIONS

■ Expired ■ Will Expire within 5 days ■ Will Expire within 10 days

	Notification	
1	Number of Days until Recertification Required	135 days
2	Payee Accounts	3 accounts

« « 1 » » Records per page 5

## MY PAYMENT REQUESTS (1)

	Transaction Number	Payee Account	Payment Type	Request Amount	
1	[REDACTED]	[REDACTED]	ACH Payment	\$ 7,621,385.44	2025-01-

« « 1 » » Records per page 5

- PMS is giving a message and I couldn't access the system.



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES



## Payment Management System

xms.hhs.gov communication has been disrupted. Please try again.

## Login

### Partner Logins

Sign in with **ID.me**

[Learn more about ID.me.](#)

OR



**AMS**  
for  
HHS Grantors



**PIV or CAC**  
for Non-HHS Grantors

Appreciate your help.

Thanks,



Janet Silao  
Accountant III  
AHCCCS| Division of Business and Finance  
801 E Jefferson St  
Phoenix, AZ 85034  
<https://azahcccs.gov/>

On Mon, Feb 3, 2025 at 10:27 AM Pathak, Shivani (OS/ASA/PSC/FMP) <Shivani.Pathak@psc.hhs.gov> wrote:

Hello,

Hope you're doing well!

This should be approved and released soon, it has to go through the last level of approving.

Sincerely,

Shivani Pathak, Accounts Payable Specialist

ITegrity Inc.

On Assignment with:

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U.S. Department of Health and Human Services

5600 Fishers Lane

Rockville, MD 20857

P: (301) 443-1693

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**From:** Janet Silao <[janet.silao@azahcccs.gov](mailto:janet.silao@azahcccs.gov)>  
**Sent:** Monday, February 3, 2025 12:21 PM  
**To:** Pathak, Shivani (OS/ASA/PSC/FMP) <[Shivani.Pathak@psc.hhs.gov](mailto:Shivani.Pathak@psc.hhs.gov)>  
**Subject:** Pending Payment Request

Good morning Shivani. I hope you are doing well. Just want to do a follow up on the 6B35B payment request that was submitted on 1/31/2025 and still showing as pending as of today



## Payment Management System

### PMS USER ACCOUNT NOTIFICATIONS

■ Expired ■ Will Expire within 5 days ■ Will Expire within 10 days

	Notification	Count	
1	Number of Days until Recertification Required	136 days	2
2	Payee Accounts	3 accounts	

Records per page 5 Displaying 1 to 2

### MY PAYMENT REQUESTS (3)

	Transaction Number	Payee Account	Payment Type	Request Amount	Request Date	
1			ACH Payment	\$ 102,405.55	2025-02-03 11:14:03 AM	2025
2			ACH Payment	\$ 4,286,011.94	2025-02-03 11:11:28 AM	2025
3			ACH Payment	\$ 7,621,385.44	2025-01-31 11:08:06 AM	2025

Records per page 5 Displaying 1 to 3

Your help is much appreciated.

Thanks,





Janet Silao

Accountant III

AHCCCS| Division of Business and Finance

801 E Jefferson St

Phoenix, AZ 85034

<https://azahcccs.gov/>

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